



Greater Cleveland Voter Registration Coalition

3328 Carnegie Avenue, Cleveland, Ohio 44115
Phone: 216.391.0900 x 13 ☎ Fax: 216.391-0900
www.clevelandvotes.org

Affiliated Organizations

AFL-CIO Federation of Labor *
AFL-CIO Retiree Council *
AFSCME-OCSEA Local 11
AFSCME United APC #4
Americans for Democratic Action *
Black Women's Political Action Committee
Building Laborers' Local 310
Cleveland Peace Action
Cleveland Teachers Union
Cleveland Tenants Organization
Coalition for Greater Cleveland's Children
Coalition of Black Trade Unionists *
Commission on Catholic Community Action
Community Re-Entry
CWA Local 4309
Environmental Health Watch
Garrett Square Economic Development Corp.
Greater Cleve. Reparations Mobilization Coal.
HERE Local 10
IBEW Local 38
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League of Women Voters - Cuyahoga Region
Metro Cleveland NEW PALS
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Ohio Votes
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SEIU Local 47
Sheet Metal Workers Union Local 33
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Southern Christian Leadership Conference *
UFCW Local 880
United Labor Agency
University Settlement
Vote Ahead—Arab American Citizen Project
WAND *
Women Speak Out for Peace & Justice
Women's Re-Entry of Community Re-Entry

* Denotes Local Chapter

ELECTION IRREGULARITIES IN CUYAHOGA COUNTY, OHIO

HOUSE JUDICIARY COMMITTEE HEARING, COLUMBUS, OHIO

CONGRESSMAN JOHN CONYERS, RANKING MEMBER

MONDAY DECEMBER 13, 2004

THE DEFACTO DISENFRANCHISEMENT OF VOTERS BY THE CUYAHOGA COUNTY BOARD OF ELECTIONS

Submitted by: Greater Cleveland Voter Registration Coalition

Norman Robbins, Study Leader, and Judy Gallo, Coalition Co-Coordinator

(Contact information: N. Robbins 216-767-1525;
nxr@cwru.edu;

J. Gallo 216-391-0900, judy.gallo@ula-ohio.org)

The Greater Cleveland Voter Registration Coalition is a nonpartisan coalition organized in March, 2003 to register, educate and get out the vote among underrepresented populations in the Greater Cleveland area. The fiscal agent for the Coalition is the United Labor Agency, a 501-(c) 3 non-profit agency located at 3328 Carnegie Avenue, Cleveland, Ohio

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Greater Cleveland Voter Registration
Coalition letter to Ohio Sec. of State
Blackwell, July 29, 2004

Summary of Testimony Prepared by Norman Robbins, Study Leader, Greater Cleveland Voter Registration Coalition, for Congressional Forum in Columbus, Ohio – December 13, 2004

**DE FACTO DISENFRANCHISEMENT OF VOTERS BY
THE CUYAHOGA COUNTY BOARD OF ELECTIONS**

MAJOR FINDINGS

- Significant flaws in registration: Based on our studies on the fate of about 9600 applications we submitted to the Board of Elections, we warned that the votes of about 10,000 Cuyahoga County citizens could be compromised because of failures or errors in entering registrations. Response of the Board: denigration, minimization. Result: many were informed they could not vote, others had provisional ballots rejected.
- Provisional ballot rejections: Cuyahoga County had one of the highest rejection rates in the state. By computer matching, we found that at least 600 fully registered individuals had been wrongfully deleted from the polling lists and then had their provisional ballots rejected. Response of the Board: Chalk it up to “human error” and proceed with certification (Oct. 29, 2004).
- Inadequate or delayed response to constructive citizen input: On numerous occasions where the Voter Registration Coalition pointed out serious errors in registration or voting practices – e.g., the registration errors noted above, policies on correcting incomplete registrations, erroneous information on Board of Elections web site, request for vital data on provisional ballot rejections – there was either no response or defensive opposition.
- These and other flaws negatively many voters but disproportionately disenfranchise the poor, the young, and minorities – in effect, denying them equal protection.

RECOMMENDATIONS:

- Federal Voting Legislation should insist that as a condition for receiving federal funding, states MUST repair ALL election-related procedures that have been shown to produce disproportionate disenfranchisement, directly or indirectly. By the same token, all new procedures must first evaluate to ensure they do not selectively tend to disenfranchise any sector of the population.
- As a requirement for states to receive HAVA funding, a state bipartisan citizen advisory committees drawn from a fair cross-section of the population, must be established. Such committees, whose core mission should be to provide responsible citizen input, should be required to submit annual reports to the Federal government on the degree to which their advice is seriously considered and followed.

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RECOMMENDATIONS (continued):

- In order to avoid disenfranchisement lost or incorrect entries, voters or registration groups should receive scanned and verified receipts for registrations submitted to Boards of Election.
- No provisional ballots should be rejected without consulting the original registration form and without searching for glitches, which cause voters to be inadvertently dropped from the Boards database of registered voters. In all cases voters should be given timely notice of rejection and opportunity to contest their rejections.

**THE GREATER CLEVELAND VOTER REGISTRATION COALITION (GCVRC)*
REPORT TO THE HOUSE JUDICIARY COMMITTEE, DEC. 7, 2004**

**12-13-04 UPDATE OF DOCUMENT SUBMITTED TO THE JUDICIARY
COMMITTEE ON 12-7-04**

ELECTION IRREGULARITIES IN CUYAHOGA COUNTY, OHIO

Submitted by: Norman Robbins, Study Leader

(Contact information: N. Robbins 216-767-1525; nxr@cwru.edu;

J. Gallo 216-391-0900, judy.gallo@ula-ohio.org)

PROBLEM ONE:

Lack of response to local studies showing that a significant number of submitted registration applications were never entered on the rolls or were entered incorrectly

The studies: The GCVRC registered approximately 10,000 voters (new registrations and changes of address), making copies of all submissions to the Board of Elections (BOE).

Two studies were done, comparing registrations submitted by the GCVRC to the Cuyahoga BOE, to those that appeared on the official rolls and on the BOE's computer database. The first study (in September) tracked 2183 and the second (late October) approximately 7400 submissions. A total of 3.5% of these applications were never entered (new registrations and address updates) or the addresses were entered incorrectly. These errors would either totally disenfranchise voters or cause their entries on the polling books to be erroneous, forcing some voters to use provisional ballot. Projecting our results from these approximately 9500 individual submissions to the 312,000 non-duplicate submissions received by the Cuyahoga County BOE, we estimate that over 10,000 voters in Cuyahoga County would be compromised because of these clerical errors.

See Attachment 1 – Table 1

Supporting data available on request: Databases of individuals suffering clerical errors found in these two studies, plus copies of original registration cards for almost all of these individuals.

Lack of BOE Response to requests for action:

(Documentation available on request)

1. Preliminary results of the first study were sent to the BOE on Sept. 17, 2004 for them to check our results. No response.
2. When we used our results to do a media campaign to warn all voters to check their registration status before the registration deadline of Oct. 4, 2004, and to re-register if necessary, BOE Director Michael Vu accused study leader, Norman Robbins, of "inciting panic".
3. BOE Director Vu was present at 2 County Commissioner's meetings where the first study results were presented, and a request was made for a search at the BOE for missing applications. Director Vu strongly objected.

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4. A law suit to force the BOE to correct errors pointed out by the studies and to search its files for lost registrations was denied by U.S. District Judge Matia on Oct. 27, 2004, on the basis that he was satisfied that "The procedures put in place by the Board of Elections appear to be reasonably calculated to correct any defects in the registration process". This, despite his statement at the outset of the hearing that the facts should not be the issue.
5. On Oct. 29, Director Vu received a list and documentation of 303 applications from our study with a written request that these voters be reinstated before the deadline for correction. No response received.
6. On Nov. 29, when we presented to the full BOE our findings that at least 30 of the registrations submitted had ended up voting provisional ballots which ~~were~~ rejected, and when we projected that nearly 1,000 voters in Cuyahoga County were likely to be in the same predicament, the BOE refused to accept our plea to check all rejected provisional ballots against the original application, nor to accept as evidence for reinstatement our copies of applications that were never entered. They did not contest our findings, but rather said this was normal "human error" and was a small percent of all voters.

PROBLEM TWO:

Failure of the Cuyahoga BOE to investigate and reinstate rejected provisional ballots where our evidence showed that 463 fully registered voters were probably incorrectly classified as "not registered" or rejected for other reasons ("no signature on provisional ballot envelope") when they should not have had to vote a provisional ballot in the first place.

Using a computer cross-check search of the entire county data bases of registered voters on August 17 and on Oct. 22, and comparing these against the list of rejected provisional ballot voters, we found that:

1. 201 voters who were registered in August 17, were taken off the rolls by Oct. 22, and forced to vote provisional ballots which were then rejected because they were not found to be registered.
2. 262 fully registered voters as of the BOE list of Oct. 22 were nonetheless found on the provisional rejection list, 183 classified as "Not Registered" and 79 as "No Signature".

These data, with full documentation of names and addresses, were presented to the full Cuyahoga BOE on 11-29-04. In addition, we pointed out that our searches were incomplete because of limitations of data and time, i.e. that many more individuals were likely to be found with more additional cross-check searches, and that date of birth information would make the search results more secure. The Board did not contest our data, but said again it was just a small percentage due to human error, and then proceeded to certify the entire Cuyahoga County vote even though they thereby knowingly possibly disenfranchised 463 individuals.

(Full Data sheets of these names and addresses available; also cover sheet accompanying our presentation to the BOE on 11-29-04)

Director Vu was quoted in the Plain Dealer as saying he was willing to look into the data supplied at the Oct. 29 meeting. This was e-mailed to him on Oct. 30, but there has been no further response.

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We knew that our estimates of wrongfully disenfranchised voters were low, because we were not able to obtain date-of-birth and precinct information from the BOE, which would have allowed a better search and are essential for analyzing rejections due to voting in the wrong precinct. Also, we know of individuals who are not on our database but who claimed they were regular voters and yet did not find their names on the polling lists on Nov. 2, 2004.

Update: When we at last obtained date of birth information and put it in usable format, we found (Dec. 12, 2004) even a greater number of individuals affected than in the earlier searches. There were 286 provisional ballots rejected as “not registered” from individuals that had been dropped from the rolls after Aug. 17 and about 320 that were on the registration lists on Oct. 22 but not on the polling lists on November 2, or about 600 total. In addition, we were apprised of several individuals, not on our list, that claimed they had voted regularly and yet were not on the rolls. For this reason, we know that our searches are incomplete.

PROBLEM THREE:

In their printed communications with voters, the Cuyahoga BOE incorrectly told absentee voters that if they applied for an absentee ballot, thereafter they could not vote instead at their assigned polling place.

In contrast to many if not all other counties in Ohio, the Cuyahoga BOE policy was to allow absentee applicants to vote at regular polling places once the poll worker determined they had not voted already via absentee ballot. This option became necessary for absentee applicants who never received their ballots in the days before the election, or who chose for other reasons to vote at the polling place (e.g. far easier to manage punch card ballot with polling machine).

However, the “Absent Voter Booklet” sent to all absentee applicants states “Any voter who has requested an absent voter ballot will not be permitted to vote in person at a polling place on election day”. Also, the “Official Voter Information Guide”, sent about 1 week before the election to all registered voters in Cuyahoga County, states “Once you have requested such a {absentee}ballot, you will not be allowed to vote in person at your precinct”.

When this error was pointed out to Director Vu, he issued one press release with a correction, but this was totally inadequate public communication to a county with over some 90,000 absentee applicants. Given the seriousness of the error, notification should have been sent in writing to all absentee voters who had not yet voted.

(Documentation available: Copies of Absent Voter Booklet and Voter Information Guide.

PROBLEM FOUR:

Failure of the Cuyahoga County Board to provide the public with readily usable and timely election data:

When the provisional ballot acceptance/rejection information was first made available on Oct. 22, 2004, as a printed document listing only cities and wards, GCVRC asked for data on the names and addresses of accepted and rejected provisional voters. On Oct. 23, the BOE supplied only a pdf file, saying it could not supply the information in database format. In response to a subsequent request on Oct. 23 or 24, Director Vu promised Dan Kozminski, GCVRC volunteer, that he would make a database format file available in 2-3 days and that it would include ward, precinct, and date of birth. Despite 3 follow-up calls, there was no response as of 18 days later (Dec. 6, 2004). While date of birth information in pdf format was obtained in the week of Dec. 6, it took intervention by Congresswoman Tubbs-Jones to get a promise of access to ward and precinct information (Result remains to be seen, as of this date).

PROBLEM FIVE:

Lack of response of the BOE Director to public input on correction of registrations

As of Oct. 14, the Cuyahoga County Board of Elections listed almost 10,000 voters as “fatal pending” – meaning that if errors in their registration were not corrected by Oct. 29, they would lose their vote. Another 3,500 voters are on the same list, pending further Board investigation. In the studies cited above, we predicted that 10,000 individuals might be affected because of clerical errors. Unfortunately, Michael Vu, Board of Elections Director, effectively delayed correction of these errors for 11 of the 19 workdays between the end of registration and the deadline for changes. Further, despite requests, Mr. Vu has issued no formal policy, and different voters calling the BOE got different stories on how to correct registration errors from the BOE phone operators.

The Board has complete authority in setting the rules for correcting “fatal pendings”. Indeed, those with omitted information (date of birth, identification, signature) were sent letters requesting correction, but those letters did not indicate any deadline for receipt, and those who registered close to the deadline were at first unable to make changes. In addition, for 8 working days of the 19 day window for correction, Vu suspended the past practice of correcting registrations, claiming he needed a legal opinion from the County Prosecutor and the Sec. of State. However, that opinion was requested only one week before Oct. 4, thus losing part of the correction time because of the late moment at which this opinion was requested.

One day after receiving the County Prosecutor's opinion that the past practices were legitimate, Director Vu still held out until he heard from the Sec. of State. The next day, Oct. 14, he suddenly reversed his decision, supposedly allowing corrections of registration. However, after telling 4 individuals what the process for correction would be, he refused to correct or sign a written summary of his statements, and Board phone operators give inconsistent responses to requests for corrections. There was not a clear-cut or written set of policies to follow, leaving voters thoroughly confused.

PROBLEM SIX:

Failure of the Secretary of State to respond to responsible citizen input on election procedures.

The Greater Cleveland Voter Registration Coalition sent a letter to Secretary of State Blackwell on July 29 (Attachment Two) making numerous practical suggestions to improve the upcoming elections. These suggestions were related to registration, administration of polling places, proper use of voting machines (especially punch cards), and need for voter education in specific areas where voters are typically confused. Many of these suggestions, to be effective, required early action, but no answer was received for over 1 month, and only in response to follow-up calls. No specific actions were promised. Another citizen's group (Citizens Alliance for Secure Elections) later pressed for some of the same reforms with little result. The one exception was a voter educational program on punch card voting.

The Greater Cleveland Voter Registration Coalition

Summary of Testimony Prepared by Judy Gallo, Co-convener of Greater Cleveland Voter Registration Coalition for Congressional Forum in Columbus, Ohio – December 13, 2004

- Election process in Ohio and Cuyahoga County was flawed by problems that occurred during period *prior to* Election Day, in addition to problems reported to have occurred on Election Day itself.
- These pre-election day problems include:
 1. Registration process (voters not being entered correctly or at all on registration rolls)
 2. Poll Worker Recruitment and Training
 3. Absentee Ballots
 - . Reaching voters too late to be used or not reaching voters at all
 - . Incorrect information provided to voters telling them they could not vote in their precinct if they *requested* an absentee ballot.
 4. Conflict of Interest. Ohio Secretary of State Kenneth Blackwell serving as chief elections officer of state, also Co-Chair of Bush/Cheney reelection Committee in Ohio. This kind of conflict of interest should be prohibited by federal law.

*The Greater Cleveland Voter Registration Coalition is a nonpartisan coalition organized in March, 2003 to register, educate and get out the vote among underrepresented populations in the Greater Cleveland area. The fiscal agent for the Coalition is the United Labor Agency, a 501- (c) 3 non-profit agency located at 3328 Carnegie Avenue, Cleveland, Ohio 44115

**Testimony Prepared for Congressional Hearing in Ohio on Nov. 2004 Elections,
Monday, December 13, 2004 in Columbus, Ohio**

Submitted by Judy Gallo, Coalition Co-coordinator

My name is Judy Gallo. I am the co-convener of the Greater Cleveland Voter Registration Coalition.* a nonpartisan coalition that began in March of 2003 to register, educate and get out the vote among underrepresented citizens in the Greater Cleveland area.

I want to begin by thanking Congressman John Conyers, Congresswoman Stephanie Tubbs Jones and everyone else responsible for convening this investigation of voting irregularities in Ohio during the 2004 presidential elections, and I want to thank you for this opportunity to briefly express concerns our Coalition has about how these elections were conducted in Ohio.

Much attention has been focused, and correctly so, on what happened on Election Day itself. But it would be a mistake to ignore other areas where problems exist that have the effect of denying equal voting rights to all citizens. My testimony will deal with three such areas that need reform just as much as election-day practices themselves.

First, the training of poll workers. Obviously, when you are training nearly 6,000 people, as the Cuyahoga County Board of Elections was in preparation for the November elections, it is an enormous challenge. Nevertheless, there were many inadequacies in the preparation of poll workers that must be corrected before the next federal elections take place in 2006. Many poll workers were confused about a lot of things --provisional ballots, for example. Which voters should cast provisional ballots, whether they would be counted, how voters should fill out the provisional ballot, etc. These confused poll workers gave voters wrong information, or denied voters the right to cast provisional ballots altogether. Some poll workers wrongly insisted that voters produce identification when, in fact, it was not required by state law. Other poll workers were unable to help voters find their correct polling location, or misdirected them to the wrong polling precinct. The list goes on. The net effect was either to disenfranchise voters, especially minorities, poor people and people of lower education or to make it much more difficult for these citizens to vote. You will hear more details about problems with provisional ballots in the testimony of Dr. Norman Robbins.

Our Coalition notified the Cuyahoga County Board of Elections after the primary election in the spring of 2003 about the problem of wrongful requests for ID, but the problems continued into the November 2004 election. At one precinct where many homeless individuals vote, everyone who showed up to vote was asked to produce ID until some informed citizen advocates objected and got the problem solved.

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What remedies can we recommend? First, there should be better training of poll workers. The content should be standardized and tests given to potential poll workers to measure their understanding of the job. Those who fail to pass should be given another training and tested again until they are able to demonstrate a minimum level of understanding. Those who are unable to pass despite repeated training and testing should not be hired.

Public input should be welcomed by boards of elections. Our Coalition volunteers attended a “mock” training given to us by the Cuyahoga County Board of Elections months before the November elections. We offered constructive criticism and suggestions for how the training could be improved.

Second, the average age of poll workers across the country is 72. A poll worker’s grueling day goes from 6:00 a.m. to 8:30 or 9:00 at night – much too long for anyone. Younger people must be recruited to be poll workers. There is a new program being used in Cuyahoga County to recruit high school students to be poll workers. This effort should be expanded throughout the country. There should be 2 shifts, reducing the work day. And the hourly rate of pay for poll workers should be raised to the level of at least a “living wage” in every city.

Third, the method of presenting training should change from the present “lecture” format offered by the Cuyahoga County Board to a much more interactive method. The amount of material to be absorbed cannot be absorbed using old teaching methods crammed into a 2 hour lecture session. Additional sessions should be provided and required.

Fourth, no changes in voting procedures or rules should be allowed later than 3 weeks before any given election. The last minute directives and court rulings, for example, about provisional ballots and challengers that plagued Ohio during the November elections, even on Election Day itself, made it virtually impossible for poll workers to know what they were supposed to do. Having a cut-off date for changes would allow boards of elections to provide timely, correct information to poll workers.

Finally, cultural sensitivity training is a MUST for poll workers and employees of board of elections. They deal with all segments of the public, and cannot be allowed to exhibit personal biases and prejudices, as happened on some occasions. These problems have been brought to the attention of the Cuyahoga County BOE Director, who has publicly pledged to deal with them.

The second area of concern I want to address is absentee ballots. We know anecdotally of voters who applied for absentee ballots and never received them, or didn’t receive them in time to vote, return their ballot, and feel assured their vote would count. Our Coalition is currently calling over 250 people who applied for absentee ballots to find out if they received them in time for the election and voted successfully. If not, we will find out what they did. We will make that data available to the committee as soon as our study is complete. In the meantime, we can name individuals who have told us they never received their absentee ballot, in some cases despite repeated calls to the Board of Elections inquiring about their ballot. We even know of one person who flew back to

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Ohio from out-of-state to vote. We know of another voter who got her ballot very late, and overnight express mailed it back to the board, at her own expense, to be sure it would arrive in time to be counted. These solutions may work for voters with 'means,' but not for poor people who can't afford the expense.

One of the most confusing problems with absentee balloting is the instruction on the application form that states "If you request an absentee ballot, you cannot vote in person at your precinct..." This language is found both on the absentee ballot application of the Cuyahoga County Board of Elections and on the Ohio Secretary of State's web site. It is cited as coming from Section 3509 of the Ohio Revised Code. Any voter seeing this would conclude, as many did, that if they merely requested but never received their absentee ballot, they couldn't go to their polling place and vote in person. Cuyahoga County BOE Director Michael Vu told such voters that they could in fact vote. But this information was buried on the bottom of page 15 of a Plain Dealer newspaper story whose headline had nothing to do with absentee ballots. No other effort was made, as far as we know, to get this message out to voters. Voters who don't read the Plain Dealer or who missed this particular story would never know their rights. Again, voters of lower income or educational levels would be disproportionately affected. Instructions on the use of absentee ballots must make it clear that a voter who actually votes by absentee ballot cannot also vote in person at their precinct -- but a voter who merely requests such a ballot and either never receives it or never uses it can vote in person.

For voters who are unable to get to the polls for whatever reason, even this is no solution. There must be improvements in the system for use of absentee ballots, holding boards of elections accountable for processing requests for absentee ballots and making sure all who request them receive them in time for their vote to count.

Finally, we believe it is necessary to prevent people who hold prominent positions of responsibility in state government to also hold partisan positions in a candidate's campaign. Ohio Secretary of State Kenneth Blackwell also simultaneously served as the Ohio Chair of George W. Bush's presidential re-election committee. Passage of a federal statute could prevent this kind of obvious conflict of interest.

I will conclude my remarks by saying that our Coalition found out through painful experience how many things are flawed in our electoral system, and how far we are from a democratic society that guarantees equal rights for all of its citizens. Uniform federal standards are needed to prevent confusing and contradictory rulings and practices by local boards of elections and secretary of state offices that have the effect of denying equal protection under the law to all Americans. We applaud the work of this committee and hope that it will lead to much needed electoral reform in the immediate future, so that we don't repeat the same problems that plagued us in both 2000 and 2004.

Thank you very much for allowing me the time to present this testimony on behalf of the Greater Cleveland Voter Registration Coalition.

The Greater Cleveland Voter Registration Coalition

*The Greater Cleveland Voter Registration Coalition has as its fiscal agent the United Labor Agency, a non-profit agency with a 501 (c) 3 tax status, located at 3328 Carnegie Avenue in Cleveland, Ohio.

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ATTACHMENT 1: TO REPORT BY THE GREATER CLEVELAND VOTER REGISTRATION COALITION

Submitted by Norman Robbins, Study leader; nxr@cwru.edu; 216-767-1525

TABLE 1:

COMBINED RESULTS OF TWO STUDIES¹ OF ABOUT 9600 REGISTRATION/CHANGE OF ADDRESS APPLICATIONS SUBMITTED TO THE CUYAHOGA COUNTY BOARD OF ELECTIONS BY THE GREATER CLEVELAND VOTER REGISTRATION COALITION

Category of Error	Number of applications affected in our studies	Percent of submitted applications in our studies	<u>Projected</u> number of votes affected countywide ²	How voters who submitted these applications would be affected
New registrations never entered	83	0.9	2816	Totally disenfranchised
Address updates not entered	97	1.6	5006	Forced to vote provisional ballot with risk of error; Possibly Purged and disenfranchised if voter had not voted in last 2 general elections
Mistakes in entering address	154	1.0	3129	Possibly forced to vote provisional ballot with risk of error; Possibly disqualified if mistaken address does not exit
Totals	334	3.5	10,951	

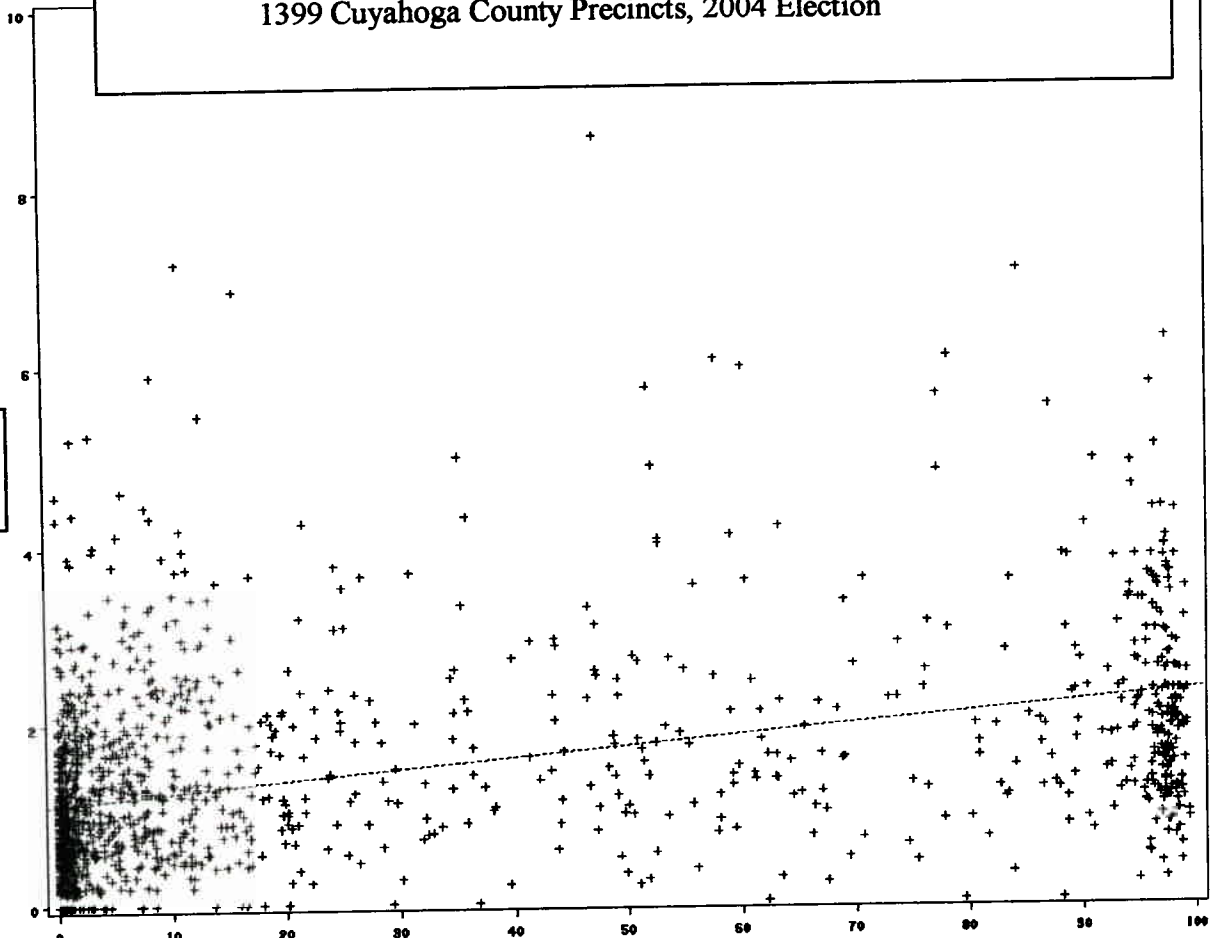
¹ First study of 2183 non-duplicate applications was completed Sept. 17, 2004; 2nd study of approximately 7400 additional applications completed for registrations as of Oct. 22, 2004. Results for each category are combined in the information presented. In the case of the September study, vigorous outreach to affected voters led to correction of many of these errors, but for the present purposes, the data are presented as originally found before correction. In the case of the October study, efforts were made to correct the registration errors but in most cases were too late.

² In order to extend our results to the entire universe of submitted applications, we need to calculate the total non-duplicate number received. The Director of the Cuyahoga County Board of Elections has said that 360,000 registration/change of address applications were received in 2004 by the deadline. However, at a earlier time, when the number received was 344,245, the Director said there were 45,043 duplicates, or duplicates were 13% of the total. Thus if the latest total is 360,000, then 13% or 47,100 need to be subtracted as duplicates, so that the number of non-duplicate registrations received would be (360,000 – 47,100) or approximately 312,900. Therefore, we multiply the percentages of each type of error (column 2 in Table) times 312,900 to find the approximate number of votes affected.

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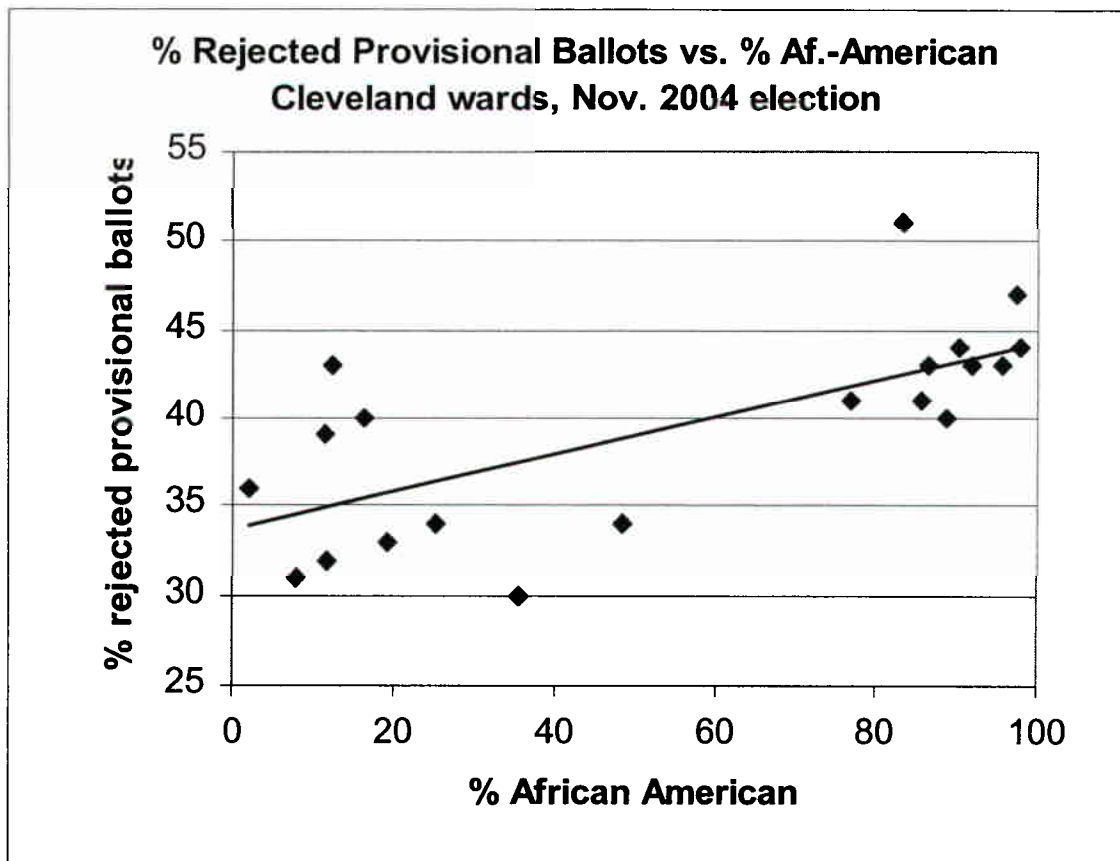
Rejected Provisional Ballots as percentage of votes cast vs. % African American
1399 Cuyahoga County Precincts, 2004 Election

Percent
Rejected

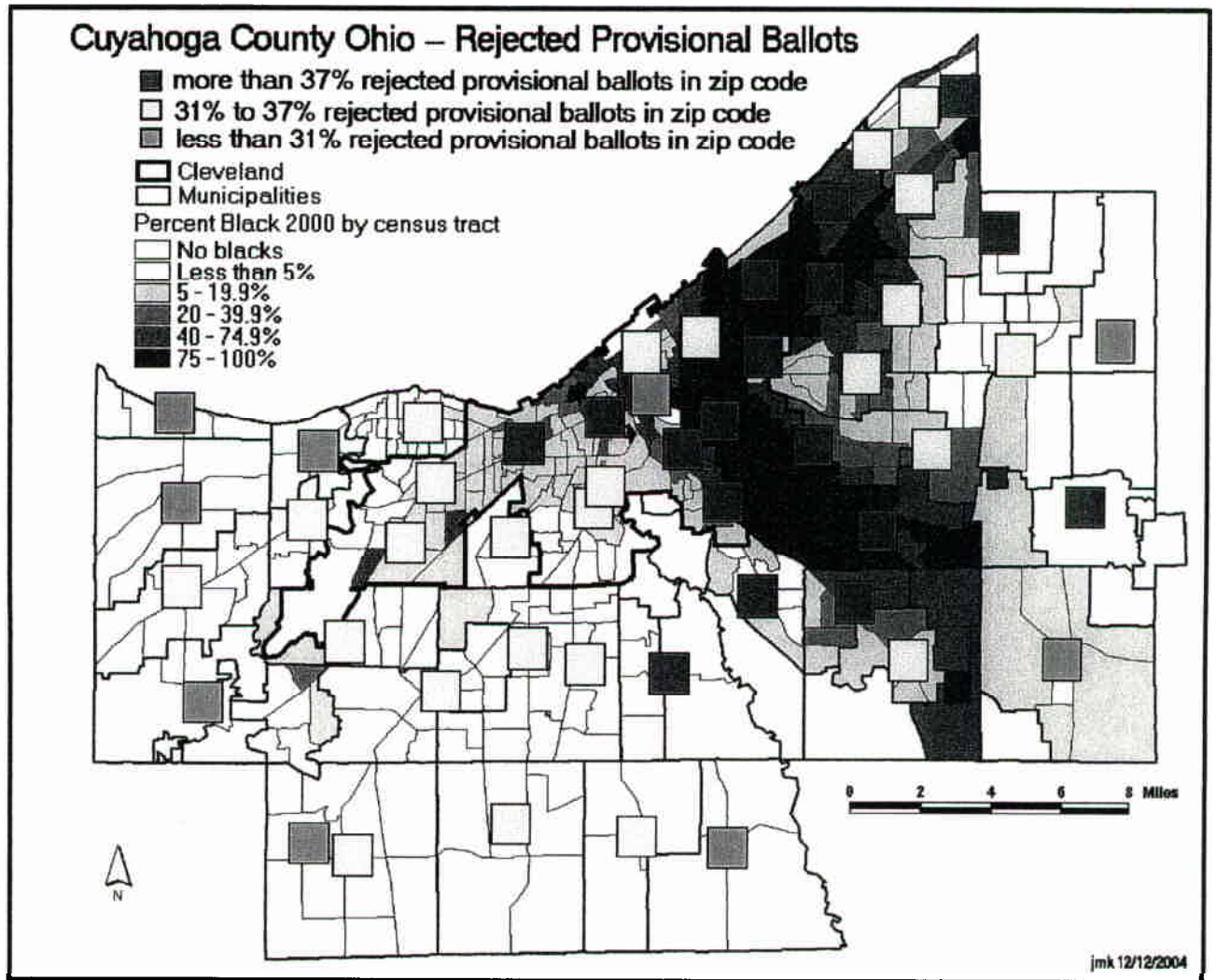


% African American

Results for all 21 Cleveland Wards



Greater Cleveland Voter Registration Coalition



ATTACHMENT TWO:

Letter sent by the Greater Cleveland Voter Registration Coalition to Ohio Secretary of State Blackwell on July 29, 2004

**SUGGESTIONS FOR SECRETARY OF STATE BLACKWELL ON HOW OHIO
COULD BECOME A NATIONAL MODEL STATE FOR
THE PRESIDENTIAL ELECTIONS IN NOVEMBER 2004**

The following is a brief summary of problems facing Ohio in November 2004 and practical solutions for improvement if the Secretary of State leads the way and acts quickly.

Overview of problem:

Other than important new HAVA requirements, Ohio's election system in November 2004 will be very similar to that in November 2000. Here are some numbers to ponder from the 2000 Presidential race¹:

A. Votes cast: **4,795,989**

B. Margin of victory of Bush over Gore: **165,019**

C. Votes for president cast but unrecorded because of voter intent or errors –
total for all counties in Ohio: **90,532**
total for counties using punch cards: **76,061**

D. Percentage votes unrecorded in Cleveland (**4%**) vs. percentage unrecorded in rest of Cuyahoga County (**1.9%**). There was a clear correlation between income or %non-white and % unrecorded votes (as found nationally as well)

E. Number of counties with 3% or more unrecorded votes in Ohio (excluding Holmes): **9** (8 of them in Appalachia)

Note: The National Commission on Federal Election Reform² states that 2-3% unrecorded votes is "worrying" and over 3% "unacceptable"

F. Estimated votes lost prior to election because of registration problems: **135,798**

G. Estimated votes lost prior to voting because of voter problems getting to the polling place or after arrival: **45,266**

H. Sum of all presidential votes lost in 2000 election because of mostly preventable problems (sum of items C,F, and G): **271,596**

Registration

Problems and solutions:

1. Inconsistent policy on purging and notification: All counties in Ohio should notify by first class forwardable mail all persons transferred to an "inactive" or purged list, with instructions on how to re-register.
2. Many voters who thought they were registered have not received notification: Mistakes by both the voter and BOE's could be corrected by double checking original registration

¹ Numbers calculated from 2000 Election Results on the Ohio Secretary of State website, plus Canvass results supplied by the Cuyahoga County BOE, and national figures for estimates cited in the CalTech-MIT report (www.vote.caltech.edu/Reports/20001report.ht,ml)

² Report of Aug 1. 2001, National Commission on Federal Election Reform:
millercenter.virginia.edu/programs/natl_commissions/commission_final_report.html

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form if VLN is returned, and if mistakes are not detected, using forwardable follow-up letters to people whose VLN's are returned. In addition, based on the Cuyahoga County experience, BOE's may be delayed in notifying newly registered voters, and some mechanism is necessary to prevent a last minute accumulation when it may be too late to identify registration problems, such as incomplete information or wrong address. Also, there should be a vigorous public education campaign to have all citizens who have not received VLN or are unsure of their registration status or proper polling place to call their County BOE hotline for instructions and verification. An accurate, up-to-date and user-friendly website that offers this information (with software available from the Secretary of State's office) should be available as well, but is insufficient by itself. Also, BOE's should on request make available lists of newly registered voters to organizations involved in voter registration, so they can check that their submitted registrations were entered on the BOE list.

3. If the Registration Card lacks required information, the BOE should send a letter to the registrant warning that it must be supplied quickly or registration will be invalid. Also, the Secretary of State should order BOE's to accept registration cards without items 1 and 2 checked if the voter claims age over 18 and US citizenship by signing the statement at the bottom.

Administration of Polling Places:

1. BOE's should send new and better trained polling personnel **first** to precincts with poor records of unrecorded votes (or other problems) in previous elections (data from 2000 Presidential election can direct this effort). Such personnel should be vigorously recruited from volunteer agencies (e.g. RSVP, League of Women Voters) and area colleges and high schools, with requests that students be given time off and/or credit to serve as poll workers/presiding judges. A letter from your office to Ohio University and Boards of Education Presidents, requesting student assistance, would be very powerful. Also, training of new and repeat poll workers, especially with the new HAVA rules, which are confusion, will need more time than the traditional 2 hours, and should include testing for understanding. Statewide standards and resources are required.

2. There needs to be very clear and consistent **statewide** rules for HAVA administration, reviewed and tested so they are completely comprehensible to low literacy populations, as well as to poll workers and presiding judges. At the moment, the HAVA rules are likely to be interpreted differently by different election officials or poll workers.

3. Every precinct in the state should prominently display clear information on how to vote and check for errors (e.g. hanging chads in punch cards) and how to obtain answers to questions about proper precinct for voting, need for provisional ballot, assistance in voting for disabled or elderly, etc.

4. Voters using provisional ballots should be notified promptly if their ballot is not accepted, and should be given reasonable opportunity to contest their disqualification before final election returns are certified.

Proper use of voting system:

1. For all systems, the state should supply technical assistance to BOE's to ensure that ballot design is user friendly and not confusing in any way. Also, for all systems, there

should be a vigorous voter education campaign explaining what a (mock) ballot will look like, and exactly how to vote and check for mistakes.

2. For the 66 counties using punch cards: Voters should be instructed (by videos, signs in every voting booth) how to check for hanging chads, to be careful not to vote for more than one candidate for offices where the ballot says “vote for one”, and to request a second or 3rd ballot if they think they’ve made an error. If the punch card were required to have ONLY the Presidential candidates on the far left column, then voters could also specifically examine that column to be sure they have one and only one hole punched – feedback is well known to greatly reduce voter errors nationally. All these educational tools must be carefully designed **and** tested to avoid misunderstandings. In 2001, Los Angeles launched a vigorous voter education campaign targeted at low income populations using punch cards, and their results in the Mayoral election (about 2% combined under- and overvotes) were among the nation’s lowest for such an election, and half that of the previous Mayoral election in 1997.

3. For the 13 counties using optical scan. Again, video, signage instructing voters on proper methods, how to avoid common mistakes, and right to request a new ballot if there are errors. Also, funds should be made available to allow all counties using optical scan to have **precinct level** scanners with the capacity to detect voter errors, so that they can be corrected on the spot. In Allen County, despite its high poverty rate and expected high error rate, precinct level scanning produced excellent reduction of voter error.

4. For the 7 counties with DRE’s. In addition to voter instruction as above, Ohio should adopt the nation’s most stringent standards for accurate and reliable function on the day of election. These standards³, being considered by the EAC, should be required by the Secretary of State, even though the EAC can only recommend them. Examples of these standards include parallel random testing, availability of paper ballots in case of machine malfunction, etc.

Statewide vigorous pre-election voter education campaigns, especially in areas which have experienced problems in previous elections. Some of these items have been mentioned, but Board-sponsored voter education campaigns would bring them all together in a combined “message”. The Office of the Sec. of State could hire professional help to be sure the messages are well-designed, understandable to low-literacy populations, and delivered in the most effective ways (e.g. TV, community meeting places, stores, etc.), and could supply the County BOE’s with this advice and material. Messages would (among other things):

- Explain the need to re-register if voter has moved
- Explain how to find out if you are properly registered
- Explain cases in which ID must be presented at polls
- Explain how to use punch card or other voting system correctly and how to check for errors
- Explain how to find out where to vote
- Explain eligibility and process for absentee votes
- Explain when to ask for provisional ballot

³ e.g. www.vote.caltech.edu/Reports/EAC.pdf

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In general:

These suggestions require the action of the Secretary of State so that there is statewide consistency in following them, as well as assistance to BOE's as described above. Based on numerous national studies of election reform, these suggestions are bound to make Ohio a premier state in the nation in ensuring that all voters, regardless of income or voting system, are given the maximum chance to exercise their citizenship.